

ANTHONY P. COLES (AC 7942)
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500
Attorneys for Defendant Eric Greenberg

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM I. KOCH, an individual,	: No.: 07 Civ. 9600(BSJ)(DCF)
	: ECF CASE
	: NOTICE OF MOTION TO DISMISS
Plaintiff,	: FOR LACK OF SUBJECT MATTER
	: JURISDICTION PURSUANT TO
vs.	: FEDERAL RULE 12(b)(1) OR, IN THE
	: ALTERNATIVE, TO DISMISS FOR
ERIC GREENBERG, an individual, ZACHYS	: FAILURE TO STATE A CLAIM
WINE & LIQUOR STORE, INC., a New York	: PURSUANT TO FEDERAL RULE
corporation; and ZACHYS WINE AUCTIONS,	: 12(b)(6)
INC., a New York corporation,	
Defendants.	ORAL ARGUMENT REQUESTED

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Eric Greenberg's Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Federal Rule 12(b)(1) or, in the Alternative, to Dismiss for Failure to State a Claim Pursuant to Federal Rule 12(b)(6), the Declaration of Arthur J. Shartsis executed on December 17, 2007, and the exhibits attached thereto, the Declaration of Eric Greenberg executed on December 13, 2007, and the exhibits attached thereto, and all other papers and proceedings in this matter, Defendant Eric Greenberg, by his undersigned attorneys, will move this Court, before the Honorable Barbara S. Jones, United States District Judge, on a date to be designated by the Court, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint in this action in its entirety with prejudice, as

well as such other and further relief as the Court may deem just and proper in these circumstances.

Movant respectfully requests oral argument on the motion.

Dated: New York, New York
December 19, 2007

Respectfully submitted,

s/

Anthony P. Coles (AC 7942)
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

Of Counsel:
Arthur J. Shartsis
Tracy L. Salisbury
Richard F. Munzinger
Amy L. Hespenheide
SHARTSIS FRIESE LLP
1800 Maritime Plaza, 18th Floor
San Francisco, California 94111
(415) 421-6500